

REMARKS

1. Summary of the Office Action

In the non-final Office Action mailed December 23, 2009, the Examiner rejected claims 3-4 under 35 U.S.C. § 112, ¶2 as being indefinite. The Examiner rejected claims 1, 7-9, 11-17, 21-22, 24-29, 35-42, 66, 68-76, and 78-85 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,954,443 ("Tsirtsis") and in further view of U.S. Patent No. 7,170,863 ("Denman"). The Examiner rejected claims 2, 5, 18-20, 33, 67, and 77 under 35 U.S.C. § 103(a) as being unpatentable over Tsirtsis in view of Denman and in further view of U.S. Patent No. 7,418,509 ("Koskelainen"). The Examiner rejected claims 3-4, 6, 10, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Tsirtsis in view of Denman and in further view of U.S. Patent App. Pub. No. 2002/0165969 ("Gallant").

2. Response to Interview Summary mailed March 2, 2010

On February 26, 2010, Tom Loos for the Applicant interviewed the Examiner via telephone. Applicant provided the Examiner with proposed amendments to the independent claims prior to the interview as indicated in the Appendix of the Interview Summary mailed March 2, 2010 ("the Interview Summary").

The Examiner and Applicant solely discussed the proposed amendments to claim 1. Applicant argued that the functionality of setting up a local or non-local push-to-talk communication based on a stored value of the local domain for a first region, as recited including the proposed amendments to claim 1 (see Appendix to the Interview Summary) was not disclosed in the cited art.

As mentioned in the Interview Summary, the Examiner confirmed that the proposed amendment appeared to overcome the current rejections of the outstanding claims.

No other pertinent issues were discussed.

Applicant thanks the Examiner for sharing his time and expertise during the interview.

3. Status of the Claims

Previously, claims 30-32, 34, and 50-65 were cancelled and claims 43-49 were withdrawn. In this response, claims 1, 3, 4, 16, 17, 27-29, 66, 71, 76, and 85 have been amended. Now pending are claims 1-29, 33, 35-49, and 66-85, of which claims 1, 29, 43, 66, and 76 are independent claims, and the remainder are dependent claims.

The amendments to the claims are generally supported by the specification as filed and specifically at least as indicated herein. The amendments to the claims are made without prejudice or disclaimer, and solely for the purposes of expediting prosecution. Applicant expressly reserves the right to pursue the subject matter of the previous claims in a continuation application.

3. Response to the Rejections of Claims 3-4 under 35 U.S.C. § 112, ¶ 2

As mentioned above, the Examiner rejected claims 3-4 under 35 U.S.C. § 112, ¶ 2 as being indefinite. Applicant has amended claim 3 to address the concerns raised by the Examiner on page 3 of the Office Action. Support for these amendments may be found generally throughout the specification, and specifically by at least ¶¶ 0020-0021, 0032, 0035, and 0048 of the specification.

The Examiner also indicated that “[c]laim 4 inherits the rejection.” Office Action, p. 3. Applicant submits that the amendments to claim 3 address the Examiner’s concerns with claim 4 as well.

For at least these reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejections of claims 3-4 under 35 U.S.C. § 112, ¶ 2.

4. Response to the Rejections under 35 U.S.C. § 103

As mentioned above, independent claims 1, 29, 66, and 76 are rejected under 35 U.S.C. § 103(a) over Tsirtsis in view of Denman. Applicant submits that the proposed Tsirtsis/Denman does not support the rejections of claims 1, 29, 66, and 76 for at least the reasons presented below. Further, the Examiner did not establish a *prima facie* case of obviousness of claims 1, 29, 66 and 76 under M.P.E.P. § 2142 (requiring an Examiner

to clearly articulate reasoning with rational underpinning to support the conclusion of obviousness).

a. The Tsirtsis/Denman combination does not disclose or suggest a SIP proxy configured to “determine whether or not a push-to-talk communication is local to the first region based on the stored value of the local domain, set up a push-to-talk communication in the first region responsive to determining the push-to-talk communication is local, and set up the push-to-talk communication in the second region responsive to determining the push-to-talk communication is not local” as recited in claim 1.

Claim 1 has been amended to recite features related to routing of local and non-local push-to-talk communications. In particular, amended claim 1 recites, in part, use of a “first SIP proxy” configured to “determine whether or not a push-to-talk communication is local to the first region based on the stored value of the local domain, set up a push-to-talk communication in the first region responsive to determining the push-to-talk communication is local, and set up the push-to-talk communication in the second region responsive to determining the push-to-talk communication is not local.” Support for these amendments may be found generally throughout the specification, and specifically in at least ¶¶ 0056, 0059-0060, and 0069-0070 of the specification.

Applicant submits that the proposed Tsirtsis/Denman combination does not disclose or suggest “determin[ing] whether or not a push-to-talk communication is local to the first region based on the stored value of the local domain, set[ting] up a push-to-talk communication in the first region responsive to determining the push-to-talk communication is local, and set[ting] up the push-to-talk communication in the second region responsive to determining the push-to-talk communication is not local” as recited in amended claim 1, and therefore does not support a rejection of claim 1 under 35 U.S.C. § 103.

In rejecting claim 1, the Examiner repeatedly cited to Figure 3 of Tsirtsis. See Office Action, p. 4. In describing Figure 3, Tsirtsis states:

FIG. 3 illustrates an exemplary system 400 that comprises a plurality of access nodes 200, 200', 200" implemented in accordance with the present invention. FIG. 3 also depicts communication cells 300, 300', 300" surrounding each access node 200, 200', 200", respectively, which

represents the coverage area of corresponding access node 200 , 200', 200", respectively.

Tsirtsis, col. 9, lines 55-61. Regarding the "access node", Tsirtsis discloses: In accordance with one particular embodiment of the present invention, the session signaling server module 204 is a SIP (Session Initiation Protocol) server. In a particular embodiment, the access node 200 is implemented as a wireless access router that supports forwarding of IP (Internet Protocol) datagrams. In such an implementation input/output interface 201 includes circuitry, e.g., receiver/transmitter circuitry, that allows end nodes to connect to the access node 200 using wireless communications technology, e.g., via wireless communications channels. In one such implementation the coverage area of the access node is called a communication "cell". In alternative embodiments, the session signaling server module 204 sends, receives and processes signal based on other protocols such as the Resource Reservation Protocol (RSVP). In some embodiments the session signaling server module 204 supports both SIP and RSVP signaling. In some embodiments the input/output interface 201 includes circuitry that allows end nodes to connect to it via wired, wireless or a combination of wired and wireless communications technologies.

Tsirtsis, col. 9, lines 35-54.

In summary, Tsirtsis describes an access node that can route IP datagrams. However, Tsirtsis does not disclose or suggest "determin[ing] whether or not a push-to-talk communication is local to the first region based on the stored value of the local domain" as recited in claim 1. Rather, Tsirtsis is silent regarding determining that push-to-talk communications are local as recited in claim 1. Further, Tsirtsis does not disclose or suggest "set[ting] up a push-to-talk communication in the first region responsive to determining the push-to-talk communication is local, and set[ting] up the push-to-talk communication in the second region responsive to determining the push-to-talk communication is not local" as further recited in amended claim 1.

Denman does not cure these deficiencies in Tsirtsis. In discussing Figure 1, Denman discloses:

The PTT Server 34 for Push-to-talk service, manages talker arbitration, tracks active member participation in a group, and distributes received Real time Transport Protocol (RTP) voice packets to call participants. The PTT server 34 functions as a SIP back-to-back user agent (BBUA).

A Registrar and Location Server 36 provides for terminal registration of availability and contact locations, and for proxy retrieval of location/contact

information. The associated Location Database 38 stores and manages dynamic location updates for subscribers. The Application Server 26 utilizes the JDBC interface to access data when handling sessions, although other protocols could be used to access the data.

Denman, col 9, lines 34-46.

To summarize, Denman describes use of a PTT server for push-to-talk service and a registrar/location server to store and manages location updates for subscribers. However, like Tsirtsis, Denman does not disclose or suggest “determin[ing] whether or not a push-to-talk communication is local to the first region based on the stored value of the local domain” as recited in claim 1. Rather, Denman is silent regarding determining that push-to-talk communications are local as recited in claim 1. Further, Denman does not disclose or suggest “set[ting] up a push-to-talk communication in the first region responsive to determining the push-to-talk communication is local, and set[ting] up the push-to-talk communication in the second region responsive to determining the push-to-talk communication is not local” as further recited in amended claim 1.

As Denman does not cure the above-mentioned deficiencies in Tsirtsis, Applicant submits the proposed Tsirtsis/Denman combination does not support rejection of independent claim 1 under 35 U.S.C. § 103.

b. For at least the reasons presented for claim 1, the Tsirtsis/Denman combination does not support the rejections of independent claims 29, 66, and 76 under 35 U.S.C. § 103. Further, the Examiner has not made a *prima facie* case of obviousness for claims 1, 29, 66, and 76 under M.P.E.P. § 2142.

Independent claims 29, 66, and 76 stand rejected under 35 U.S.C. § 103 over Tsirtsis in view of Denman.

As amended, claims 29, 66, and 76 recite similar functionality to that discussed above for independent claim 1.

Claim 29 has been amended to recite, in part, a “third SIP proxy” that is configured to store a value of a local domain; and **“determining, at the third SIP proxy, that the push-to-talk communication is local based on the stored value of the local domain [and] responsive to determining the push-to-talk communication is not**

local, determining the second SIP proxy serving the second client" (emphasis added).

Claim 66 has been amended to recite, in part, “[a]n apparatus, comprising: ... means for storing a value of a local domain; **means for determining whether or not the push-to-talk communication is local based on the stored value of the local domain; [and] means for determining a first SIP proxy serving the first client responsive to determining the push-to-talk communication is not local” (emphasis added).**

Claim 76 has been amended to recite, in part, “[a] tangible computer readable medium with logic stored thereon that... causes the network element to perform operations comprising...storing a value of a local domain; **determining whether or not the push-to-talk communication is local based on the stored value of the local domain; [and] responsive to determining the push-to-talk communication is not local, determining a first SIP proxy serving the first client” (emphasis added).**

Support for these amendments may be found generally throughout the specification, and specifically in at least ¶¶ 0056, 0059-0060, and 0069-0070 of the specification.

Thus, for at least the reasons set forth for claim 1, Applicant submits that the proposed Tsirtsis/Denman combination does not support rejection of independent claims 29, 66, and 76 under 35 U.S.C. § 103.

Applicant further submits that the Examiner did not establish a *prima facie* case of obviousness of claims 1, 29, 66 and 76 under M.P.E.P. § 2142.

For at least these reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejections of claims 1, 29, 66, and 76 under 35 U.S.C. § 103.

c. Applicant respectfully requests the Examiner withdraw the rejections of the dependent claims as well, for at least the reasons provided above.

Further, Applicant submits that the revisions and comments directed above to independent claims 1, 29, 66, and 76 apply equally to dependent claims 2-28, 33, 35-42,

67-75, and 77-85, each of which depend directly or indirectly from claims 1, 29, 66, and 76. On at least this basis, the Applicant requests reconsideration and withdrawal of the rejections of dependent claims 2-28, 33, 35-42, 67-75, and 77-85. Some of these dependent claims stand rejected under § 103 in view of certain other references. However, the Applicant submits that these other references do not cure the deficiencies of the proposed Tsirtsis/Denman combination.

Further, Applicant submits that the Examiner did not establish a *prima facie* case of obviousness of claims 2-28, 33, 35-42, 67-75, and 77-85 under M.P.E.P. § 2142.

Therefore, Applicant respectfully requests the Examiner reconsider and withdraw the rejections of claims 2-28, 33, 35-42, 67-75, and 77-85 under 35 U.S.C. § 103.

5. Conclusion

In view of the foregoing, Applicant submits that all stated rejections have been addressed, and thus Applicant respectfully requests reconsideration and withdrawal of these rejections. The Examiner is invited to call the undersigned attorney at 312-913-3338 to expedite prosecution of this application.

Respectfully submitted,

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